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October 24, 1978

Dear Senator Reinz:

Thank you for your inquiry of October 9 on behalf of BL  
concerning the Jehovah's Witnesses in  
Argentina.

We have been monitoring closely the treatment of this and other religious groups in Argentina. The U.S. Government has been deeply concerned by the reported infringements on the right to freedom of religion as set forth in the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man. Our Government is committed to seeing that this right is respected.

The Argentine Government's case against the Jehovah's Witnesses stems from a 1976 Government decree that makes it illegal for Witnesses to assemble, publish, or proselytize, which in effect means they can not practice their religion in Argentina. The Government's decree was affirmed by a lower Court, but it was subsequently overturned by an Appeals Court. Last February, the Argentine Supreme Court reviewed the lower Courts' decisions and ruled that the Witnesses might be given relief if they were to attempt to become formally recognized as a religious group. This could be done through registration with the Ministry of Foreign Affairs and Worship. The Supreme Court's ruling, however, did not resolve the questions raised by the 1976 decree that makes it illegal for the Witnesses to practice their religion in Argentina.

The ambiguity of the legal situation has resulted in the denial of permission to the Witnesses to use their "Kingdom Halls," to publish literature, to receive Spanish language publications prepared outside Argentina, and to proselytize. Witnesses also have been arrested and detained for reported violations of the 1976 decree; their publications have been confiscated, and children have been expelled from school for refusing to salute the flag.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

( ) Release (X) Excise ( ) Deny

Exemption(s): BL

Declassify: ( ) In Part ( ) In Full

( ) Classify as ( ) Extend as ( ) Downgrade to

Date \_\_\_\_\_ Declassify on \_\_\_\_\_ Reason \_\_\_\_\_

The Honorable

U. S. Senator, III,

United States Senate.

With regard to the Witnesses' future effort to register, as recommended by the Supreme Court, the Argentine Government announced in February that a new law would be issued requiring all religious groups except the Catholic Church, which is covered by a Concordat with the Vatican, to register with the Argentine Ministry of Foreign Relations and Worship. This requirement would supersede a 1948 law that had required all religious groups in the Buenos Aires area to register. The Jehovah's Witnesses group had been on that registry from 1956 to 1960, when it was removed from the registry. Since that time, while Jehovah's Witnesses' applications to register were being rejected, some 1400 other religious groups were accepted for registration under the 1948 law.

The new law announced in February will go into effect 90 days after it is published in the official Gazette; the law, however, has not been published yet. Should the Witnesses be denied registration, their next recourse would be to present an appeal to the Foreign Minister and if he does not rule in their favor, to the President of Argentina. The lawyer representing the Witnesses believes that if registration is initially denied, the Witnesses may seek a court injunction permitting them to continue their religious practices until a definite decision is reached.

The Argentine Government has unofficially informed the United States that the new law is basically for statistical purposes. It claims that it does not wish to restrict freedom of religion, but only wishes to be aware of how many groups are functioning.

The U.S. Government has stated publicly its hope that freedom of religion guaranteed by the Argentine Constitution would not be restricted by the decree. The Assistant Secretary for Human Rights and Humanitarian Affairs also raised this issue with specific reference to the Witnesses on two of her visits to Argentina.

The basic problems between the Witnesses and the Government of Argentina have some similarities to problems the Witnesses encountered in the United States during World War II. Their refusal to serve in the military or to salute the flag appear to be the most visible elements in the controversy with the Argentine Government, which requires universal military service.

We remain deeply concerned about the question of religious freedom in Argentina for the Witnesses and other groups. We have expressed this concern to the Argentine Government through their Embassy in Washington and through

our embassy in Buenos Aires. We will continue to monitor this case closely and do what we can to encourage full implementation of religious freedom in Argentina.

The U.S. Government has acted to convey to the Argentines how strongly committed we are to human rights. Specifically, we have withdrawn grant military training to Argentina and arms sales have been restricted. In addition, we have voiced our strong beliefs about human rights and have voted against several Argentine loan requests in the World Bank and in other international financial institutions.

Our Government has indicated clearly to the Argentines that a continuation of good bilateral relations and approval of any new assistance programs depend on substantial human rights improvements. In fact, the Congress has legislated through a section of the Foreign Assistance Act, effective on October 1, that there are to be no new arms transfers to Argentina without a major improvement in human rights practices there.

Sincerely,

*W*

Douglas J. Bennett, Jr.  
Assistant Secretary  
for Congressional Relations

Enclosure:

Correspondence Returned.

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